

NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 28, 2007

Regular Meeting

Vice-Chairman William Cariseo called the special meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Schatz

Commissioners Absent

Chairman Camilli
Commissioner Pruett
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111 Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Continued from January 24, 2007.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission, Vincent Sabatini, attorney, representing the applicant. With me tonight is Frank Dawidowicz of AN Engineering. I can't believe a whole month has gone by, but here we are. Since then, we have done a lot of work, and I just want to acknowledge what was filed, since we were here at the last hearing. There should be revised plans dated February 16, 2007 on file which incorporated all of the changes resulting from the first staff reports in November, and the staff report of February 1, 2007. There should be a letter from AN Consulting dated February 16, 2007 which itemizes and answers point by point all of the comments made in the February 1st letter from the Engineering Department. There should be a letter from the MDC dated January 10, 2007 which verifies that the water and sewer is available on this site and it can be tied in. You should have the test pit report, along with photographs dated January 24, 2007. You should have the soil scientist report, dated February 2, 2007. You should have AN Consulting Engineering response, 1-2-2007 and I believe that with all of these responses we have answered all of the questions that the staff has raised, both from the planning point of view and from an engineering point of view. There were a couple of issues that were still outstanding, and yesterday Frank and his partner Jim met with Tony, the engineer and Ed, and I believe that they had discussions and they came to an understanding as to what will happen in regard to certain things, and I'll have Frank talk about that. I can summarize them, the two existing houses apparently now have overhead utilities

services, and we will make sure that those are brought underground. That is what Ed would like. There is a stone wall in front of the property and we are going to disturb a little bit of that stone wall, and apparently the stone wall was provided by the Town at one point, and they would like all the stone back, and we have agreed to give them the stone, and we will take care of making sure that the transition works with whatever has to be done to fix the wall after the road goes in. The driveway grade will be shown on the plans. With regards to the setbacks on the existing houses, we are going to make sure that the front yards are switched around so that we don't violate Section 4 of the regulations and create a non-conforming use. We are going to take care of that. With regard to the drainage, Frank is here to make a statement that the, will have a zero effect and that the drainage will not be any worse, and that the study shows that two thirds, or three quarters of the surface water that comes through the area, is going to be intercepted by the drainage system provided by the new road, plus there is going to be a catch basin at the end of the cul-de-sac to catch any other water that might be there, so in terms of the drainage, we certainly will do everything that is necessary to resolve that, and then yesterday, or late this afternoon, we had a report dated February 28, 2007 with a few more comments from the engineering department and we will, we went over these, Frank went over these, and we will, we didn't have time obviously to make any changes in the last couple of hours, but we're making a commitment right now that all of these changes will show up in the final plans. We don't have any problems with any of the items that are listed here.

With regard to the test pits, the staff apparently was satisfied that the, that as we go along during construction and when they, quote unquote, box out the road, they will dig additional test pits at fifty foot intervals to determine whether or not there are any further water problems. So if there is, they are going to correct that on site, and that is provided in your regulations, 3.7, that says that if field conditions warrant additional drainage installation, the town engineer may require this work without plan modifications. So we are willing to accept that as a condition to the final plan, and again, we will accept as a condition to the final plan any concerns that the engineering department may have after the, during construction and after the public hearing and after the approval. I understand from Frank that after the meeting yesterday that the engineering department was satisfied with all the written responses and comments and that Ed was satisfied from a planning point of view, and we would like to close the hearing tonight, if we can. We want to, unless there are any other concerns or comments, and what we would like to do is to close the public hearing subject to the conditions that if there are any engineering concerns or problems that are left over, or linger with regard to the drainage, that they will be corrected at the direction of the engineering department. We will make sure that they are corrected, and if field conditions require further work, the applicant is willing to agree to have that work done, to satisfy everyone concerned, so, I think I have summarized everything to date, Frank is here if you have any questions, he'd be happy to answer them at this point.

Vice Chairman Cariseo: We'll hear from the Town Planner.

Ed Meehan: Did you want, I know that you sent the letter, but did you want to request a sidewalk waiver.

Attorney Sabatini: Oh yes, the sidewalk waiver. Since this is a cul-de-sac and it's not going to be connecting to any other street except Maple Hill Avenue, we would request a waiver of the sidewalks, under 4.0 of the subdivision regulations. I think you have the ability to grant a waiver, and I think we do have conditions that meet, that require the sidewalks not to be installed in the area, with regard to where the street is, the small subdivision and we are not going to be conflicting with the Plan of Development, nor any other engineering standard. I think there are some situations where there is just a cul-de-sac, sidewalks are not required, so we are asking for the waiver of sidewalks.

Ed Meehan: Are you going to put the plans up to go through, because Commission members have not seen the plans from, February 14th is the latest revision.

Attorney Sabatini: Okay. Frank is pitch hitting for Alan Nafis who is on vacation.

Ed Meehan: While he is doing that, I can just report to the Commission that we, as Attorney Sabatini reported, we met this morning with Frank Dawidowicz from AN Engineers and Jim O'Brien to, myself and Tony Ferraro to go over many of the items that the applicant's attorney has mentioned. We spent most of our time talking about drainage issues. The test pits that were done, about two or three weeks ago definitely indicate a water table on this site. One of the test pits indicted it at eighteen inches below the surface, and another area was four feet below the surface. As Commission members know, the character of the soil in Newington tends to be red clay, so there is a lot of water perched in this site, and the town engineer this morning, and the applicant's engineers have come to some understanding that the concern that we have are twofold, one is the, at eighteen inches the water could affect the under drains and the sub base of the road, and as the water flows north to south, there was an agreement as to how, possibly in the field, to investigate that as the road was being boxed out, and make some changes in the field to correct that. The other issue is, we have four feet of water, water at a four foot level below the surface, how it affects foundations going in. That would be for each lot that would have to be looked at. That was the primary gist of the conversation, and I'll leave it at that.

Attorney Sabatini: I attended some of the meetings, not the recent ones but there has been extensive meetings with the staff, and again, there's not one thing that we don't agree to do. We agree to do everything that was pointed out. They did a thorough investigation, the only thing that I have a question on, on this latest report, February 28, 2007 from the engineer department, I don't know if Ed can answer it, on comment four B, it says provide a thirty foot square area for each proposed residence, and I'm not sure what that means. We weren't sure what that meant.

Ed Meehan: There is a standard in the subdivision regulations, Section 6.6.B, it's on page 31, that what the regulations are looking for is an area, either behind the house, or depending on the location of the house, to the side of the house, where there is a relatively useful yard area that is associated with these single family homes. So, what these plans should do, what most practicing engineers do is they, in a dashed line, they show a location of that thirty by thirty foot area. The only thing that we are concerned about is that it is functional, it's not on a ten, fifteen percent grade. This probably would not be the case in this subdivision, because it is relatively flat, but that is what that comment refers to. We would be looking for that on the exhibits that you have here.

Attorney Sabatini: A thirty foot area measured in perpendicular lines from the rear of the house, is that what you are talking about?

Ed Meehan: Yes.

Attorney Sabatini: Okay, that's not a problem. The one thing that I would like to point out, that was a concern of one of the residents, we did change this to show that there is a thirty foot rear yard now in the last two houses. Before the old plans showed ten, and there was some concern about the, because of the berm there, with the thirty foot rear yard, we switched this around, and you can see the houses fit, so there is going to be plenty of room back there, and not have a problem. I'll have Frank explain some of the other technical aspects of the changes we made.

Frank Dawidowicz: Good evening, my name is Frank Dawidowicz, of AN Consulting Engineers, first of all, I'd like to ask you to forgive me, I don't know all of the details of the history of this project, since I'm stepping in for Alan, but geometrically the layout of the lots and the road

basically hasn't changed over time, but recently I guess the biggest questions that have come up are related to the drainage through the area, and how it affects the neighborhood, and also the concerns about the ground water and I'll just go over that a little bit again. There's three, basically the water flows down through the lot from the north, to south, and there are three drainage sheds that come through here, one of them is in the front of the property, and drains out to Maple Hill Avenue, and the other two kind of come down like this. The way that the project has been set up and graded, it's been such that surface water comes down it will be captured by the roadway, which is perpendicular to it, and will intercept its flow. That surface water will be introduced into the drainage system in the roadway which provides for detention and doesn't overload the systems over on Maple Hill Avenue. In addition to that, the home sites that are on the south side of the road, the houses, the roof, the roof leaders, gutters and the front yard grading all drain towards to the road, so those drains will also be picked up in the road and eliminated from the flow that ordinarily would come through here. The third drainage area which is at the eastern end of the road comes down through here. It was staff's recommendation that we include an additional catch basin in the swale here, to pick up additional flow and introduce it into the system. The system has been designed to handle all of that flow. The important aspect of this is that we're probably taking about fifty to sixty percent of, or two thirds to three quarters of the drainage shed area that comes through here now is going to be diverted into this system, and somewhere between fifty and sixty percent of the actual flow will be eliminated from going to the south. The net result of that is, it's not going to make the drainage problems any worse, if anything, it's going to make them better.

There was a discussion about the test pits and the ground water, and as was mentioned, we did dig test pits out there. There were variable results. The suggestion was made by staff today that as we construct the road, we will take test pits approximately every fifty feet, to see what the actual conditions are, and have the Town Engineer there with us, and a decision will be made to put in an edge under drain along the north side of the road to pick up and intercept the ground water which, that also would be introduced into the drainage system, and out onto Maple Hill Avenue. That is basically, the rest of the comments that we have received over a period of time have been house cleaning, dot an i here, cross a t there, there have been questions that have been answered, most of them have been integrated into the plans. We obviously have other that we have to incorporate. If there are any questions?

Vice Chairman Cariseo: Well, it sounds to me that you have done a good job trying to protect the neighbors from the overflow of the water, and it sounds like a system that would work, not being an engineer, but the design sounds pretty good to me. As long as the (inaudible) is following through, and as the road goes along, and we protect the home owners, to the east of this and to the south.

Attorney Sabatini: Exactly, and that is what we have agree to do.

Commissioner Ganley: Yes, you raised a good point, Mr. Chairman, if you wouldn't mind, the concern quite frankly, is in fact from the neighbors down slope to the east of that parcel. You did touch upon how that drainage would work, there was a catch basin indicated on the, in fact, I have my finger right on it, that would take some of the water, etc., and bring it back out onto, into the town system. If you know, based on the amount of water that presently goes in an easterly direction, down slope, toward Vincent Drive, to what extent would the catch basin, and there is a small swale, berm configuration to the earth, what would that collectively do to alleviate the down slope flow of water toward Vincent Drive?

Frank Dawidowicz: Well, in the drainage report, if you go through the calculations, it shows that the predevelopment, this is for a twenty five year storm event, the predevelopment flow coming through that area is roughly one cubic foot per second, CFS, and with the catch basin there, the

diversion is about thirty percent. So it would cut about a third of the flow out of there. Cross the middle drainage shed, we are talking a reduction of about sixty percent, 2.3 CFS, down to one.

Commissioner Ganley: Thank you.

Commissioner Fox: Through the Chairman, on the test pits, again, number one, how long were those test pits, how long were they allowed to percolate before you closed them up?

Frank Dawidowicz: I wasn't there, it's my understanding that they were done in the morning and they were closed up a couple of hours later after the engineer (inaudible) at the soils.

Commissioner Fox: And if that had showed as the Planner said, correct me if I'm wrong, Ed, showed anywhere from a four foot to an eighteen inch water table. Okay, question number one, is that usual that's it's covered up within an hour or two, or is it allowed to percolate longer, normally.

Frank Dawidowicz: Well, it seems to be, there were some questions about that at the meeting this morning, and we weren't in there looking to test the percolation of the soil, we were looking for the presence of high ground water, and we weren't trying to determine how fast it percolates through the soil or how fast it fills the hole. I guess there was a little confusion about, somebody in the town was asked if they wanted to come out and see them, and apparently that person was not available, the holes were covered and I understand that Ed and Tony came out sometime later in the day and were a little surprised that they were closed. Our engineer was there, the holes were dug, he got the information that he was looking for at the time and subsequent to that, through our discussions, we made the suggestion that probably the best thing to do is to open up more holes along the north side at the time of construction, have everybody there to see what is going on, and if there is a problem, the solution would be some kind of a road edge drain, an under drain pipe, like a curtain drain, to cut the ground water off before it reaches the road.

Commissioner Fox: One of the reasons I asked this is because before we had this cold weather, I took a walk back there, and it was, to me it was a little bit spongy and I'm wondering now, what would that do to a detention basin, that detention basin that you are going to be cutting underneath there, is that going to be full all the time, or....

Frank Dawidowicz: No, the way the detention system is designed here is, there is a drainage system that comes down the street, there is a series of catch basins. One length of pipe has been put on the opposite side of the road, and it has been over sized, it's a forty-two inch pipe. This road probably only needs a fifteen or eighteen inch pipe, ordinarily, if you didn't need to consider detention, but they put in an extra length of pipe here and it's very large, and the way the system works is that the water gets in here, it tries to get out through, we call it an outlet device, a smaller opening. It's located in this particular catch basin over here, and because there is more water than can flow out of that small hole, the water begins to back up and it would be stored in that larger pipe. Now, the outlet for that larger pipe is located at the invert of the pipe, the very bottom, so if water, ground water ever gets into that pipe, it's just going to flow out. I mean, it's not like it was a bathtub. It has a free opening, and when there is a lot of water there, like in a large storm event, the water can't all get out of that outlet structure that quickly, so it backs up, and that is how the detention is created.

Commissioner Fox: Thank you for the education.

Commissioner Schatz: Those storm basins are going to catch the surface water, right? You said surface water? So the surface water is going to go through the lots that the new houses are sitting on?

Frank Dawidowicz: Yes, it will sheet flow across the lots just like it does now, and it will drop into the road, and it will be picked up by the drainage system, similarly the front yards of the houses on the south side will be graded to the road.

Commissioner Schatz: So those houses won't have wet cellars?

Frank Dawidowicz: I don't know if they will have wet cellars or not, but the surface flow is going to come through the yard to the road.

Commissioner Schatz: And the second question is that can Cedar Street, on the state level handle that extra water? I understand that it is Maple Hill Avenue, but it flows into Cedar Street.

Frank Dawidowicz: The whole idea of the detention system is to throttle the post development flow when it comes to this area so that it doesn't increase the drainage coming to this location at any given time, it's a zero increase in the flow.

Commissioner Schatz: Onto Cedar Street, down Maple Hill Avenue, and out to Cedar Street, that's zero increase?

Frank Dawidowicz: Yes.

Commissioner Schatz: Really, that's hard to believe.

Attorney Sabatini: That's the way that it is designed.

Commissioner Schatz: Yeah, I understand, but I know that Cedar Street is almost to capacity.

Attorney Sabatini: Well, that is the standard, we have to design to zero increase, that is the standard everywhere, even on the Berlin Turnpike, with all the big projects.

Commissioner Schatz: Thank you.

Ed Meehan: I think the other thing is, looking at sheet C-4, is that the roof leaders are going to be connected into the system?

Frank Dawidowicz: Yes they are.

Ed Meehan: So instead of having daylight and water coming out of your downspouts, into the yard it will be piped underground to the storm water system. Sheet 4 tells me that every unit will have that, even the two existing houses.

Frank Dawidowicz: Right.

Vice Chairman Cariseo: Any other questions?

Commissioner Fox: Did we see the elevations?

Ed Meehan: I did go through the exercise, this is what the applicant handed out last time for the three housing styles, and you take the footprint of those houses, one is like, thirty by seventy, roughly and the other one is thirty by eighty, and I applied those to the building envelopes. The thirty by eighty, which is called the I think it's the Fairfield model, would be tight for two of the lots on the cul-de-sac, but would fit on the other lots, and the Cambridge, which is the thirty by

seventy foot model fits on every lot. The thirty by eighty foot house is a large house, as the pictures indicate, that's a house that uses up from side yard to side yard if they were to build that. It's a big house, about twenty four hundred, twenty-six hundred square feet.

The other thing that I would add before we leave this is that they have asked for a sidewalk waiver, which requires a two thirds vote of the Commission, and the requirements for that are the property for which the waiver it sought is uniquely affected by these regulations, the physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting requirements of these regulations; granting a waiver will not have significant or adverse effect on the public safety; and granting a waiver will not be in conflict with the Plan of Development, and lastly, if the waiver affects an engineering standard, which in this case it doesn't, it would require a report and approval from the Town Engineer. Those are fairly high standards to meet, and personally, I don't see anything unique about the features, or the unusual features of this site which would warrant a waiver of the sidewalks.

Attorney Sabatini: May I just respond? The reason why we asked for it, typically I think in subdivisions where you have a cu-de-sac, a cul-de-sac which is not street that is a connecting street, that does not typically have sidewalks. I think if you go around different subdivisions, you will find that. In this case, you have a fairly isolated subdivision, and there is no connecting street anywhere, and it's a relatively small subdivision, so in terms of the safety aspects and in terms of public health and the configuration, I thought it was in order to ask for it. I think that at some earlier meeting we had discussions that perhaps sidewalks on one side of the street, might be a compromise, and I don't think we have a problem with that, but I think if you look at it, and you look where it is, and the size of it, you know, it probably doesn't lend itself to sidewalks, but I'll leave that up to the Commission to decide.

Commissioner Schatz: I forgot to mention the sidewalks, what makes you think the kids wouldn't need a sidewalk?

Attorney Sabatini: Well, I don't know about the kids, but again, because typically, I think if you look at, maybe I'm wrong, but I think Newington proves well in subdivisions where you have cul-de-sacs which are dead end streets really, you typically don't have sidewalks because it is a dead end street, and the safety factor is not there, so in this case, again, it's an isolated type of subdivision, and a cul-de-sac, no connecting street, a sidewalk is really not warranted.

Commissioner Schatz: But the youngsters will be picked up on Maple Hill Avenue.

Attorney Sabatini: Excuse me?

Commissioner Schatz: The school bus would pick up those youngsters on Maple Hill Avenue, so they still have to walk in the road.

Attorney Sabatini: Again, I made the argument and it's up to the Commission.

Ed Meehan: I think that may have been something that the town did years ago, in the seventies and eighties, with some of the cul-de-sacs, they did not require sidewalks, or they didn't have sidewalks maybe in the standards at that time, more recently, the subdivisions that I recall, we haven't had a lot because we haven't had much land left, but Rockledge which is a longer subdivision, has sidewalks on one side, and Strawberry Estates, which is down on Willard Avenue, it's a small subdivision like this, has sidewalks at least on one side, so I think sidewalks on one side is not a hardship, but if you are going to give direction on that, or I'm not sure how you want to treat this, the engineer would need to know that so that he can grade the right of way to accommodate a sidewalk, and normally we like to see a sidewalk coordinated with the street lighting, so they are both on the same side.

Attorney Sabatini: So in summary then, I just wanted to make sure that we answered all of the questions from each of the Commission members, all the staff concerns, and I think that we did. If there are any other questions or concerns that are out there, I would appreciate you articulating them now so that we can respond and I believe that I have gone through the regulation requirements before in an earlier public hearings, and I think that we have satisfied all of those regulations, so I would ask the Commission to, if there are no other issues with planning, and I think that all the planning issues are satisfied, that we close the public hearing tonight, and make a condition of approval if you see fit to approve it, that we satisfy any engineering concerns that arise in the field, or otherwise through the cooperation of the developer and the engineers to satisfy those, and correct those and implement those as necessary. I understand that could be a concern when we are out there trying to do the road, and we're willing to accept any field corrections that are necessary to make it work. That is all I have to say at this point.

Vice Chairman Cariseo: Thank you.

Attorney Sabatini: You're welcome.

Vice Chairman Cariseo: Are there any people here wishing to speak in favor of this application, limited to two minutes. Any persons wishing to speak in opposition to this application, limited to three minutes.

Gary Bolles, 28 Burden Lane: If the floods don't come, and the creek don't rise, if the floods to come, and the creek does rise, all of us on Burden Lane and people who live on Vincent Drive can attest to the fact that we have had water in our cellars. You can have all the engineering studies done, that you want to have done, all the drainage stuff that you need to have done, but there is still water. Living in the abutting neighborhood of this proposed development, in a low laying area that is prone to flooding, I am concerned about the disturbance of any parcel of land that contains or may contain wetlands, and if you don't make the developer fully comply with the stipulations that may be governed by the Army Corps of Engineers, we could all be down the creek. I want to make sure that these stipulations are fully complied with, I know in our own neighborhood, the development of Nutmeg Crossing they weren't, and we are living with that nightmare today. I kid you not. I have a sump pump, I had a sump pump in my cellar and during the week of October 8th to 15th, 2005, that sump pump went continuously, pumping and pumping and pumping. Several neighbors came by the house, saw the hose out front, constantly pumping, and they said to me, Gary, you must be pumping for the whole neighborhood. Now I did just have that sump pump replaced, thank you John, and hopefully that will help the problem. But part of the problem is, in our development the developer was not made to conform to the stipulations and when he was done, nobody came back really to check. Now one of the things that he did do, which the Army Corps said was a mistake, is on the east side of Burdon Lane, he put a four foot high berm, and I've explained this to the Commission before, and I hope something can be done about it, it's a very simple matter to just take it out of there. The Army Corps said that was never supposed to be put there because where he had to dig out when he filled in the wetlands, that's where the runoff water could go, with a berm there, it impedes the water flow. So I will say this, I do want that berm removed, it would certainly help my neighbors and myself, as far as the water flow goes, and if that doesn't happen, I was told by the Army Corps of Engineers, they said just give us a call at 1-800-342-4789, we would be happy to come back out, we'll send the Town of Newington what they call a letter of intent, telling them that they have to do it. There is no reason why it can't be done, there are plenty of places in town that they can truck that dirt. The way that it was supposed to be done, is level graded and then downhill so that the water, in case we had a flood, the water would come up over the roadway, and flow down into that huge pit, and right now it has trouble because of the dirt berm. I thank you for your time, I know that you are a very excellent Commission and one of the things that Commission Ganley might be interested in, he, as I said, was, and I'll say this very carefully, one of the best police

chiefs that we ever had in this town, and as far as safety is concerned, a state police officer two weeks ago, came by and I know the state police officer very well, and he said to me another thing that that berm poses is a safety hazard because it impedes what they call the sight line, looking down the street, and he said that the neighbors that live to the south of the berm, there are four neighbors there, if they, or their children were to dash out into the street, they couldn't really see oncoming traffic coming. With a berm gone, it's no problem, so it is also a safety hazard, which I didn't even know about. I was very surprised that this state police officer picked up on that, but they should, because they are very safety conscious and I thank you for your time tonight. Thank you.

Vice Chairman Cariseo: You're welcome. Is there anyone else wishing to speak against this application?

John Bachand, 56 Maple Hill Avenue: I just have some comments, not for or against, necessarily. It's the property that adjoins the full north portion of this project. I'm a state contractor on waterproofing and drainage business myself and I might offer a little bit of my expertise here. One major calculation I think that it is hard to calculate, one major source of water is the ground water. One of the members asked, will the basements have water. Of course they will. When you want water, you dig a hole, that's how you get water. That's in the old days, you dug a hole and you got water, so the one source of water that is not calculated for the detention system is that constant flow of ground water, whether it is going into a sump pump, whether it is going into a gravity feed pipe into it, or whether it is pumped into a pipe outside and then drained into it, it's going to be in that retention system, and I think it's difficult to calculate what that amount is. When you have an eighteen inch high water table, or a forty-eight inch high water table, that's still well above the basement floors. That will put water, I mean, it's a constant level, you know how water seeks its own level, you're going to have a stone trap system under the floors, and a typical footing drain system that will collect that water under the floors, and we're talking about big foundations. I have a small workshop over here, it's about maybe a hundred feet from this line, and it's a twenty by thirty building, but the basement's only about eight by twenty, that pump pumps continuously, especially in the spring, in the winter it does slow down, but in the spring it does pump continuously, when you are talking about a much larger footprint of a foundation, you are talking about a considerable amount of water, so my only concern is that this water is going to come this way, and then it is going to go this way, even though the surface water drains this way, the storm water goes this way. There is a catch basin here and I'm worried that those will be overwhelmed, I don't know what size the pipe is in here, I didn't read the plans here, but a lot of times the old pipes underground are only ten or twelve inches, I'm not sure what they are now, I didn't look at it that closely. You are talking about a tremendous, it's hard to calculate, but from my own experience and from what everyone said here, I've done jobs on Vincent Drive and I've done jobs on Burden Lane for Gary there. He got a little bit off track, but he had a concern, and he's very community conscious, I think, but there is a water concern, and I just, I think it may be too soon to close the hearing, because this is a dynamic and fluid, pardon the pun, but I'm not really voicing for or against, it's just too soon to close the hearing and I think that needs, someone should try to calculate that because it is a great system that they are talking about here, where this pipe holds all the water in here and it lets it out slowly, and with a surge, you know, that will start to back up and fill in here, but when that is full, then it spills over unabated. If it spills over unabated here, it's going to come out of the catch basins back up stream, or back here, it's going to emit out the top, so we are talking about three acres, a good percentage of this impervious surface is going into this one system, and again, I don't know how to calculate that, the engineers may know better, but that was one thing that has not been talked about, because like I said, water has to be pumped out of those basements, it has to be, that level has to be below the floors, and it's either going to be pumped out onto the surface of the ground, which is going to end up in the system, it's going to be pumped into a pipe underground, you know, where it's going to go into the system, or it's going to have a gravity feed line, which is

the ideal system is to have gravity feed lines coming out from under the basement. This would have to be lower, lower than the basement floors, then the people wouldn't have to rely on sump pumps. But that is all, which ever way you do it, it's going to end up in the system.

Vice Chairman Cariseo: Thank you. Anyone else?

Matt Peck, 65 Vincent Drive: Basically my concerns are my concerns, hopefully the engineers and the people do the work and there will be no water coming down when everything is said and done. As I said at the last meeting, and I just want to reiterate, especially because I am the house directly behind one of those, is the thirty by thirty free land would be important to me, from the standpoint that these houses, which are going to be basically twice the size of my house, above me, it's basically like, hey, look at Matt come out of the shower. I'm making a joke, but seriously, there is going to be an enormous house like, what they were planning on ten feet from my property, now it will be thirty feet, and while I keep saying it is everyone's right to make money off their property, they have the property, they are within zoning laws, I just think when they say things like, we're going to have to do a little creative planning to get around the architecture of it, to be sitting on the lot, and how the Commission said how two of the houses won't fit on the lot, it just seems to me, I, everyone has more knowledge than me, and I just wish everyone would be very careful about respecting the existing neighbors rights, to not have, I know a beautiful house is a beautiful house, but basically something standing up right there, when you turn around, it's right in your face, and basically dominating your property as well as the property it's on, and I just, I don't have any hard facts about anything else, I just, I promised myself to keep coming and keep stating my concerns just from the fact that I think I have a right to voice my concerns, seeing that I am an existing person living on, right next to that property. Thank you very much for your time.

Vice Chairman Cariseo: You're welcome. Anyone else?

Steve Tofeldt, 107 Vincent Drive: I just have one question. Have the sump pumps been taken into account, now that we have finally proven that the ground water is really high there? Legally, they can't discharge their sump pump into, you know, where it comes into a roadway, into a public area where it will freeze, because I have this problem, and I had to do some creative engineering of my own, to be able to get it into the storm water system without having a hazardous condition, so has the sump pump been taken in account if they do get it to go into the storm water system, because my sump pump pumps about two thousand gallons an hour, I keep two or three in stock, and I know that my neighbors, abutting on both sides, do the same. We have had floods in our basement, and I just wanted to bring that to the Commission's attention.

Vice Chairman Cariseo: Okay. Is there anyone else? Ed, where is this berm that the gentleman was talking about? On their property, or.....

Ed Meehan: It's along the property line to the east, the remnants of a berm that runs north to south. It's the property on Vincent Drive, the backyards are lower.

Vice Chairman Cariseo: But wasn't he south of it?

Ed Meehan: Vincent Drive is over here, these are the backyards of Vincent, and the berm is in this area here, the topography drops down hill.....

Commissioner Fox: I think he's talking about Gary Bolles.

Ed Meehan: Oh, that's about a quarter of a mile away from here. It's on Burdon Lane.

Vice Chairman Cariseo: So it has nothing to do with.....

Attorney Sabatini: No, no, nothing. I also want to say about the comments made by Mr. Bolles that we don't have wetlands on our site. We had a soil scientist, went out there, Jackson Engineering, LLC, the report's on file, there are no wetlands, the Army Corps of Engineers has nothing to do with our site, and that berm that he spoke about is no where related to where this site is. With regard to the other comments, I will have Frank address those.

Frank Dawidowicz: Seems like there is a lot of interest in water in basements. The funny thing is, there is no requirement for us to, that I know of in the regulations to consider water in basements, and where it is going, probably due to the fact that we don't, well, most houses have basements around here, some don't. And like I said, it isn't a requirement in the zoning code or the subdivision regulations. With regard to, you know, I don't know that we have even established that there is a high ground water table in this area. I was just looking at these test pits and you know, two out of the six didn't show any water at all, the third one had some water at seventy-six inches deep. That's like eight feet deep. The other ones had some at higher levels. Now, the thing is, is that the peaking, well you brought up the question about, well, you are going to have all of this ground water coming into the drainage system. Now that isn't entirely a true statement, that, you know, the pipes are closed, they have relatively sealed joints, yeah, water is going to find its way in there, but it's not going to be a flood coming into those pipes and into the catch basins. The catch basins are made out of block, or they are made out of pre-cast units, they are mortared together, they're not completely waterproof, but you're not going to have a torrent of water coming into that drainage system. The other fact of the matter is, is that ground water comes from rain water that falls on the surface and then percolates through the ground, so any peak that you would find in the flow of ground water would not be at the same time that you would see the peak in the storm. It would follow sometime later, depending on how coarse the soil is and how quickly it percolates, so the idea that, gee, the ground water is somehow going to overtax the detention system and overtax the drainage system, I don't think is correct because what is going to happen really is that it's going to rain, it's going to rain hard, it's going to fill up the detention facility, it's going to function like it's supposed to, the water is going to get metered out, and then a day or two later, maybe the ground water is going to go up six inches or a foot, and if it happens to be able to get into the system, the system is going to be empty by that time. So, in practice, we discount ground water coming into the drainage system. The place where we pay attention to ground water is when we see it threatening the structural components of the roadway system, like the base. If the base is always wet all of the time, it's going to be soft and start getting cracking in the pavement and it deteriorates prematurely, but I hope that I have explained this clearly enough. If there is a high ground water table there, this certainly isn't going to be a solution to it. And yes, if people build houses there, and they have basements in them, and the high ground water happens to be there, yes they will probably get water in the basements unless they impose upon the developer or their builder to waterproof the foundation and put in foundation drains, bring it to a sump, pump the water out, in which case again, that water is going to follow the design storm by days, or maybe weeks. It all depends on how fast, yeah, we can study it, get all the money in the world, we'll study, and we'll tell you how much water is going to come into those things, but in practice, it doesn't make any sense, because the peak of the storm is different than the peak of the ground water. Yes, it would be nice to have gravity systems coming out of those basements and into the drainage system, but in practice, I can't think of one jurisdiction in the state, where I have practiced that requires that. I owned a house at one time too, that had water in the basement, like that, and I wished that I had a gravity system. I fully appreciate what you are talking about. On the other hand, water in a basement can come from other places than just the ground water table. If we went out to your house and saw downspouts coming right on the ground, right at the foundation, that's a likely source of water getting into your basement. That's why we like to pick up the roof leaders and get at least those into the drainage system, so that takes away some of it. Just as an aside, a couple of years ago, I represented a property owner over in Rocky Hill whose house, the basement was flooded, they were pumping all of the time, it turns out that the developer had shot bedrock off the site, filled the whole yard in,

nested all of these stones, all of these voids in between them, and it was just a natural sponge for all of the water in the area. You are absolutely right, there was nothing they could do after that, because his agreement was with the developer and not the town, but in practice, we don't get involved with those things. You really, the property owner when he builds the house should hire a consultant to take care of the problems that are there on the site relative to the houses. If you are worried about the ground water at your houses and if these do fill up with water and are pumped out, it's going to be less water in your yards.

Attorney Sabatini: I also just want to read, from the test pit report which is on file here, the last sentence, quote, there is no indication of a high water table, and it seems that the water getting into the hole came from bleeding from impervious layers. That is what the test pit report says. Thank you.

Vice Chairman Cariseo: Rebuttal, anyone wishing to rebut what has just been stated.

John Bachand, 56 Maple Hill Avenue: Again, I'm not for or against this, I'm just trying to offer some expertise. I do live right next to it, so I'm somewhat impacted by this. Whether or not it's a building code, and I'm not sure and Ed might now better and the building department would know better, ninety-nine percent of the basements that we go in, which I have been doing for twenty-five years have a standard footing drain system, which is basically a leach field in reverse, you are collecting the water from outside, you are picking it up in a perforated pipe along the perimeter of the foundation on the inside, collecting the water, and then it's going to a pit, with either a gravity feed line or a sump pump. Now you said that you never heard of any towns with a gravity feed line, I agree that there is none dedicated storm water gravity feed lines, but a very high percentage of the houses in this MDC area are on what is called a combination drain which is simply a Y off of the sanitary sewer and it's picking up the water that way, so people don't have sump pumps but they do have gravity feed lines going to a backflow valve or backflow line. So, again, I don't foresee how you would calculate it, but you're saying there is no ground water, but hearing the testimony from everyone, I'm one right next door, and I see my pump, so I, well, I guess the science would say that there is no ground water, but if you look at anecdotal, the people who are reporting what they see, and how much their pumps are pumping. When you hear about a pump pumping for a week straight, and I've heard about stories like that too, in extreme cases, and you are right, it is related to the storm event, but sometimes it could go on for even in the season, especially after a heavy winter, it could go on for a month or more. So I'm mainly concerned, once the retention system is full, then it's not doing anything, it's the same thing with a dry well. People ask me about dry wells all the time. It's a great concept, you dig a hole, you put rocks in the ground, it perks the water out slowly if you have you know, soil that will percolate, but once the dry well is full, it's full, and it can't take any more water, so what I tell people is when you need it the most, is when it fails the worst, so I'm just concerned once that thing is full, it's going to flow out of there unabated. It's either going to go over and underground into the city, the town sewer or its going to emit out of the top of the catch basins, so, and me being, as I said, I'm uphill of it, topography wise, but I'm downhill on it, on the side of the storm sewer. I guess it wouldn't be that terrible, it would be water flowing down the street, but it could be an issue. That's all I have to say.

Vice Chairman Cariseo: Anyone else? What is the Commission's feeling about closing the hearing?

Commissioner Ganley: I don't know how much more we can get.

Vice Chairman Cariseo: Peter, do you want to read this into the minutes please.

Commissioner Kornichuk: You want it read in, or....

Ed Meehan: Either summarize it, and acknowledge the abutting property owners, so they know that it is part of the record. I believe it is from neighbors on Vincent Drive.

Commissioner Kornichuk: Yeah, the Cases, Dorothy and Devlin. "Vincent Drive is a dead end street. The four streets, Cinnamon, Burden, Nutmeg and Bushy Hill must use Vincent Drive as an exit to Route 175, Cedar Street. Now a code variance is applied for, to have a road built from Maple Hill Avenue east to the back yards of homes on Vincent Drive, taking down trees, shrubs and vegetation which serve control a water problems and tends to take away the rustic view of beautiful Newington. We on 71 Vincent Drive built this home in 1958. We are octogenarians. With this in our minds, it's for the younger Newington that we have the hope that a favorable resolution will be resolved and not have the proximity of the road, and the cul-de-sac spoil Vincent Drive and Newington."

Vice Chairman Cariseo: All those in favor of closing the meeting, please say aye. Motion passes.

Attorney Sabatini: Thank you.

B. PETITION 74-06 Assessor's Map SE 307, 1987 and 2169, known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037 request for Special Exception Section 3.19.2 (23 detached residential units) PD Zone District. Continued from February 21, 2007

Attorney Sullivan: Good evening. Once again, Attorney Timothy Sullivan for the applicant, Deming Street Development, LLC. Also with me tonight is our substitute engineer, Frank Dawidowicz of AN Engineering. Frank has not been heavily involved with this project, as most of you know, Joe Perraginni and Alan Nafis have been carrying the ball from the engineering standpoint, and for that reason, and for other reasons that I will touch upon during the course of my presentation tonight, we are not asking that the public hearing be closed, in fact the first order of business, I'm going to submit a consent to extension of time and I know the last time that we had some dialogue on this, and my calculations, that if we leave the public hearing open, until March 14th, that will leave us, we will have burned forty-nine of the sixty-five days. I don't know if you had a chance to calculate that, Ed.

Ed Meehan: I have a balance of thirty days left, so....

Attorney Sullivan: That would be the fourteen and sixteen, exactly, we're on the same page. So, we're consenting to an extension through March 14th, the next Commission meeting, the reason being, well, a couple of different reasons, one is that we are going to be making some modifications to the plan, which we will get into a little bit later, also there were some additional staff comments that were submitted to the engineer, I believe late last week, and the engineer, both Mr. Perraginni and Mr. Nafis were unable to respond to those before they left for vacation. They will be submitting their responses as well as the revised plan early next week. Also I have today some pictures, we will also be doing a landscape rendering, we were unable to accomplish that by tonight, but we will have the landscape rendering of the entrance signage for both the north and south exits and entrances. We also tonight have, we are responding to a request from the Town Planner for some federal law on age 55 developments, and I give you the Department of Housing and Urban Development Federal Register which provides for housing for older persons. It's HOPA, H-O-P-A amends the fair housing act which allows I guess for discrimination, allows for the limitation or prohibition of younger individuals in certain housing

complexes, and if you have any questions, we are leaving the public hearing open, but if you have any questions, I will be available with that as well. We also would like to submit pictures of the pump station, various pictures, for the record. That pump station, and Frank will speak more to this because he has been more involved speaking with MDC, but our pump station would probably be two thirds of the size of the pump station depicted in the pictures.

Also Frank, Mr. Dawidowicz had a meeting today with the Town Planner and there were some questions that the Town Planner had about a possibility of a third style, right now we have two different styles of units in this development, it's a nineteen unit development and the two different styles of units, and in Mr. Dawidowicz's conversation today with the Town Planner Mr. Meehan suggested that perhaps a third unit style would be appropriate for more diversity. We contacted the architect earlier today and she is in the process of seeing if she could come up with a third footprint which wouldn't radically alter the plan, however it will change, the footprint will change a little bit, so obviously the plan will change, and as I said a little earlier, the plan as well as the response to the staff comments will be submitted early next week. That's pretty much all I have, I also have the declaration of the Community at Deming Farms which has the, those are the draft condominium documents on the declaration which, and Article 9 in the draft condominium documents has the limitation on the age restriction.

One other change that will be made and I don't want to mark up the plan, as we stated last week, because of the sight line issue the entrance on the south side of the parcel, we have a sight line issue onto Deming Road. We are discussing a possible sight line easement with one of the parties that has an interest in this property, to the south. However, because this property is in flux, it's the Sphinx Temple and the person, the party who is trying to develop that property, it's, we are unable to conclude a sight line easement at this time. It is our intention to secure that sight line easement, I'm not sure whether we are going to be able to do that during the course of this public hearing, so our alternative is to just restrict the turn so that you cannot turn to the north coming out of the private road, on the south side of the development. We will be making changes to that, to address some of the safety concerns of the Commission. Right now the way it works is that we have a little triangle island which prevents somebody from taking that left hand turn onto Deming Street. What we are going to do is to actually expand this island all the way up so that the road will come down and actually cut off here and so that you won't even be able to enter the development as you are traveling in a southerly direction, you are only going to be able to enter the development coming in a northerly direction, which will further prevent people from cutting through this little angle here. We are just going to cut that off, and direct traffic in that direction to address the safety issues of the Commission. So there won't be an opportunity to travel, to go north out of the south entrance of the property. We are having our traffic expert, Buberis Traffic Associates will be augmenting its 12-20, December 20th, 06 report to address this revision. That is really all I have for this evening because like I said, we have changes to be made and responses to the staff comments. Frank is here as well tonight to answer any questions, but we are asking that the public hearing be left open until March 14th, when we expect that the public hearing can be closed provided we have addressed all the staff and Commission comments.

Frank Dawidowicz: I would just like to mention that those pictures are intended to give you a flavor for what can be done. Obviously the fencing can be more ornate, can be higher, could be a different color, the fence could be screened with vegetation, but I think the thing to realize is that the pump station is essentially underground. It requires a backup power system which one of those green boxes that you see there is an enclosed generator, and the other green box is a control panel that houses the electric meter and some other controls that monitor the activity in the pump station, but essentially the pump station is completely underground. Just given the size of this development there's about, I don't know, eleven or twelve houses that would be included into the pump station. The size would be approximately two thirds of the size of the footprint of the pictures that you see there. I think that is probably about twenty by forty feet, you are probably talking two thirds of that. Understand that that's not the exact station, or size.

Ed Meehan: That's pretty big. I'm looking at the fence panels, forty-five by twenty-eight, thirty feet. Is this in the area here?

Frank Dawidowicz: I can't tell you at the moment, I'd have to check. That is the kind of station that the MDC is going to be looking for.

Ed Meehan: So it has lighting, power and generators.

Frank Dawidowicz: Yeah, it has a light there, you see an antenna there for....

Ed Meehan: An alarm light.

Frank Dawidowicz: Again, that is something that can be screened with vegetation. You saw on one side of it there is a door, a gate that closes so the whole thing could be closed off from view. The internal part of it.

Ed Meehan: I understand that it would be smaller, and maybe have a lower profile, but does this have to be located at the front door to this community? Could it be put, I guess you can't put it on the south side of the street.....

Frank Dawidowicz: It has to go at the lower end.

Attorney Sullivan: It's our intent to screen that heavily with both fencing and evergreen vegetation so that it would not, as you can see, we have quite a bit of, there is heavy landscaping that we will install, both canopy style here and a lower vegetation here, and it's our intention that it would not even be noticed from the street, although some of the, it wouldn't be too different from the telephone boxes that you see, one of the stand alone telephone boxes, they are very similar.

Ed Meehan: This is a lot larger than a telephone box if it is going to be enclosed in a stockade plank fence with a backup generator and emergency lighting, you said maybe seven or eight houses, this may be a whole neighborhood, I don't know.

Attorney Sullivan: The size is going to be reduced.

Frank Dawidowicz: We surely can look at the site and see if there is any other place which might make some sense.

Ed Meehan: I would think from a marketing point of view, as well as the house there that is going to be right next to this facility, it may not lend itself to being a good neighbor, that's just my two cents worth.

Frank Dawidowicz: I think you will see in the pictures that there is a house that is right....

Ed Meehan: Right next door.

Commissioner Ganley: You were explaining your adjustment made to that southern most entry way to divert the traffic in such a fashion that it would travel generally north, and if they are traveling north, they would be able to make a left hand turn into that particular driveway. That's because you haven't secured a sight line situation with the abutting neighbor.

Attorney Sullivan: Because the abutting neighbor, it's in flux.

Commissioner Ganley: Should you be able to resolve that by the way, with the abutting neighbor, can you then recover what you have done to that intersection to make it accessible as both in and out.

Attorney Sullivan: That is our intention, yes.

Commissioner Ganley: Okay.

Attorney Sullivan: It's just because of the state of the property next door it's uncertain whether we can do that by the time the public hearing is closed.

Commissioner Ganley: My other observation is relative to the pump station. You just got through explaining to us that there is a sight line problem if you were to come to the intersection and attempt to travel southerly, okay, follow me? You have just come out of the driveway, make a right hand turn so as to travel southerly and that is where the sight line problem exists. Is that correct?

Attorney Sullivan: No, it would be going northerly. Coming out of here, going northerly because the sight line issue is whether you can see around this little curve here to be able to go in a northerly direction.

Commissioner Ganley: Well if you put the pump station on that side of the street that would probably complicate the problem I would imagine.

Attorney Sullivan: Here's the pump station....

Commissioner Ganley: That's correct, but what if you put it on the other side of the street, wouldn't that then provide another blockage, if you will.....

Attorney Sullivan: Oh yes. I wasn't following what you were saying.

Ed Meehan: Unless you moved it back in.

Commissioner Ganley: Yeah, that's the other, move it way back in there.

Attorney Sullivan: And this is also the mitigation area, these are wetland mitigation, new wetland mitigation area that we are developing. We are creating wetlands, this is the new wetlands that we are creating.

Vice Chairman Cariseo: Anyone else. Okay.

Attorney Sullivan: I just wanted to bring up, we are on the agenda under New Business as well, for the site plan, because we haven't made any revisions since the last meeting, I don't know if it is really necessary for us to make a presentation.

Ed Meehan: Just continue it under New Business.

Attorney Sullivan: Just continue it, that would be my suggestion. Thank you.

Vice Chairman Cariseo: Anyone from the public wishing to speak in favor of this application? Anyone against. Okay, we will keep this Petition open.

C. PETITION 03-07 262 Brockett Street, John G. Formato, 798 Southington Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for Zone Map Amendment, R-12 District to B-BT District.

Commissioner Kornichuk: Mr. Chairman, I'm going to recuse myself from this petition, because I am a land owner in the area.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, for the record, my name is Alan Bongiovanni, licensed land surveyor at 170 Pane Road, Newington, representing the applicant, John G. Formato in the application for a zone change for a R-12 Zone, located on the northerly side of Brockett Street, to change it to B-BT or Berlin Turnpike zone. I'm sure many of you are aware, the property is known as 262 Brockett Street, there's two, or one foundation and one dilapidated house on the property, it's about 39,000 square feet total area, combining the two lots. It's the former Palombizio property, the owners of the former A & A Garage that sat where the Citgo station is across the street. What we are requesting is to change the zone, from residential to the Berlin Turnpike zone because we believe that it is the proper zoning for this piece of property. I think that everyone would agree that now is the time to redevelop the property. One house has been demolished, there is a foundation sitting there, and the other house is in severe disrepair and I believe it is somewhere in the process of the blighted ordinance in the Town of Newington.

Our proposal to change the zone to the Berlin Turnpike we believe is proper zoning for the property for several reasons. The main reason is that this provides a proper order or proper transition from the commercial intensive uses along the Berlin Turnpike to transition to the residential uses. What we have currently is at the corner of the Berlin Turnpike and Brockett Street a red structure, a multi-story, two story, I think at one time it was probably a home, it's a hair dressing salon, and just north of that we have a Mexican restaurant bounded on the north and the east residential lots, and then everything to the south, which is the Citgo gas station is the B-BT Zone. By allowing this transition at this location, it will afford the town through a site plan process to insure that proper buffering and proper screening are allowed. The subject property, the Mexican restaurant is an on-going concern, it's a fully developed site, providing minimal buffering between the back of that building and the residential zone, as well as the corner piece, the hair salon is a fully developed site with no potential for screening as it exists today. There is a thirty foot strip of land that belongs to the corner lot that is basically encumbered by a sewer easement, or the majority of it is encumbered by a sewer easement so that prohibits planting and screening in that area. To look at the small or limited distance between the Berlin Turnpike travel lanes and the eastern end of our property line, I think you would agree that this piece, large enough in size, close to an acre, would allow for certain developments, permitted under the zone, and ample screening for the area.

Currently, the land owner, Mr. Formato could as of right demolish the foundation, take the house down, and put two new structures in place of the two that were there. We don't believe that is a good use of the property, we believe that any new homes here would be severely disadvantaged because of the close proximity of the Berlin Turnpike. If you were to draw a line from the northeast corner, the northwest corner of the Mexican restaurant and what we have is the northwest corner of the Citgo property at Kitts Lane and Brockett Street, it basically encompasses most of this property. Had the Berlin Turnpike over the years prior to its, I'll call it hodge podge development been planned property, you would have had a consistent width corridor of adequate depth of the Berlin Turnpike zone so that development could take place and then a proper transition or buffer built into the zoning for the area. We have existing situations there, we believe this will allow reasonable use and enjoyment of the property that is there, but will also allow the town to achieve its goals in proper zoning, providing proper buffering and screening between the residential uses and the commercial uses.

There is city sewer and water available to the site, all utilities are available to the site, it's on a short tangent section, a straight section of road, it has complete sight line from both intersections of the Berlin Turnpike to Brockett Street. Brockett Street is fully controlled by a, I think it's still a flashing light, stop signs, and there is a stop sign existing Brockett Street to the Berlin Turnpike. Because of the small nature of the property, the use would be limited, in scope and size and we believe that changing to a B-BT zone would not have any impact as far as major traffic generator, the property is not large enough to create any use, or size that could create traffic problems. We have a large background traffic condition in that entire area and anything, we believe that anything that could be done on this property under the zone, being that it is under an acre of land could not be considered a safety hazard for the area. We believe that it is consistent with the majority, over half of the abutting properties to the subject property, and again, we believe that it is a proper use, a proper transition, and it will allow the neighboring properties to be enhanced because this Commission will have the authority and the right to require, as you have in your regulations, proper buffering, setbacks and transition requirements. Other than that, if you have any questions, I'd be happy to answer them.

Vice Chairman Cariseo: We will go to the Town Planner.

Ed Meehan: Well, as the Commission knows, this is a policy decision because you are being asked to amend the zoning map to expand the Berlin Turnpike Business Zone further down Brockett Street. Mr. Bongiovanni touched on two or three or just about all of the normal criteria that you would look at is harmony with the area, consistency with adjacent zoning, the transition of the use to the neighboring property, public health and safety, as far as traffic and sight lines so I think that the Commission with your knowledge of the area and how you see this section of the Berlin Turnpike and the neighbors to the west which are, it's all single family home properties, Kitts Lane and James and Timothy, how you see that evolving, going forward. This is a, we know that this is the older section of the turnpike, the zoning, when it was put into effect, many, many decades ago, didn't provide for deep commercial lots, so development tends to be crowded, you are only going to get new development by consolidation of properties and reuse of those parcels. The property to the east, which is the corner piece is an example of a piece that's, redevelopment may be restricted because as was mentioned, it has that thirty foot MDC easement and would remain in the R-12 zone. I want to direct the Commission's attention to the wall map as well as in front of you, that thirty foot strip is not part of this petition. That is going to be still in the R-12 zone, unless this adjacent property owner in the future they have plans to improve that property and they would need to put that into the Berlin Turnpike zone. That would be something that would be to their advantage actually, because they wouldn't have to deal with any buffer requirements and they could use it for parking and so forth, but that is something that is an isolated piece that, you try to avoid these things if you can. I don't know what, maybe the property owner or Mr. Bongiovanni could tell us if there was any attempt to try to make this more of a uniform zone change out to the turnpike. That would be the only question that I would have on this.

Alan Bongiovanni: The applicant did speak, I believe on several occasions with the owner of the corner piece attempting to incorporate this strip of property with the application so it would be all changed at the same time. For whatever reason the neighboring property was unwilling to (inaudible) our application and felt that for her situation, she should leave it the way that it is. Speaking to that point, being a thirty foot strip, being totally encumbered by sewer easement which prohibits any construction of structures, being in the residential zone, if the Commission was to look at how they would treat that in the future, if an application came in, it could not be built as a residential lot. There is no buildable land for a structure. It could be used as landscape area, it could be used as parking area, ancillary uses, for development of the main parcel. In my opinion, if this property was to come before you, you would require this to be changed so that it was all one consistent use. Again, we did, and my client did attempt to bring the neighbor in on

this application, we believe it is in their best interest as the Planner also concurs that it is in their best interest to do that, the Commission looks at how they would ever allow, or could be permitted under your regulations development of that property, there is only one solution, and that would be it would have to go with property fronting on the Berlin Turnpike. You would have to change to the B-BT Zone. Irregardless of whether this application that is before you tonight that needs to be one zone.

Vice Chairman Cariseo: Anyone from the Commission have any questions?

Commissioner Fox: Through the Chairman, Ed, a parcel this size, what are the permitted uses in the B-BT zone?

Ed Meehan: This piece, a little over an acre I think the applicant's representative said, you can do your typical professional offices, financial institutions, personal service uses. You could do small retail uses. Given that the westerly and northerly side are going to be restricted by at least a twenty-five foot easement, a buffering, that easement is going to be a buffer area, that does reduce the footprint of any building. Any other use, such as a restaurant use, auto related use would have to come before the Commission as a special exception, and given the size of this piece, I doubt that they would have much utility for that. If it did come in as an auto related use, there is a fifty foot buffer, so it even restricts it further, so it's really more of a low intensity office use, some small retail in here. There is also going to be a buffer requirement on the easterly side of this piece because of the thirty foot strip that I mentioned. That has to be at least a twenty-five foot buffer on that side, you are really encumbering three sides of this property, unless the Commission waives, by a two thirds vote, that easterly buffer down to at least twelve and a half feet. So when you start applying the buffers and the front yard setbacks, this is a restricted piece.

Commissioner Fox: Thank you.

Alan Bongiovanni: Mr. Chairman, if I may, for the record, it's .91 acres, or 39,000 and some odd square feet. It's under an acre.

Vice Chairman Cariseo: Anybody else? Anyone in the audience wishing to speak in favor of this application? Anyone against?

Linda Thompson, 226 Brockett Street: I have been a resident for thirty-six years at 226 Brockett. It's always been commercial on the Berlin Turnpike that is. It's always been residential down in our area. I have to say, for many years we had to fight, we actually had to see people die on the corner of Kitts and Brockett Street. We finally got a flashing light, that allows people to realize that they should stop. It's been a while now since we have had any terrible accidents, and my biggest concern with this change in this property, I think the drawings that they had outside are lovely, but I have to say, I'm very concerned about the traffic. I'm very concerned about the people who would be brought into the neighborhood because of the traffic. In speaking with those who came in this evening, and I have been into the Town Planner's office just to look at the plans, you are right, it is a blighted property. I would like to see that changed, but at the expense of someone who is a town resident, and I don't know the person, but I do know that that piece of property on that corner has been there for as long as I've been there, there's been a barber shop there, that man has since passed away, the husband, prior to that the beauty shop was put in, now we are talking about this parcel, which I questioned the other day, being four pieces and noticing that there were four doorways, it's not going to be used as four separate tenants from what I'm understanding. It's going to be a basic one tenant or maybe two tenants, if there is going to be twenty employees in one hair salon, abutting to someone who has been working for years and years and years and also lives in the town, and owns the property, that's pretty much a slap in the face, but my biggest concern, the traffic and the people who are going to be bringing

in. My property value, I have grandchildren, I don't want to know, I have enough going on, on Brockett Street, that we don't need more and more. My question this evening also was well, you know, I'd like to see something happen, yes, but let's know that we aren't stepping on other people's toes, we're not doing something, I mean, this is Newington. Newington, we should be helping each other, and working together. I'm sure there can be a resolve to this, but my other questions is, and some of my neighbors on the street were a little concerned and wanted to ask once you go ahead and we allow this, all of a sudden it's commercial, what's going to happen, maybe they are going to come further down, but not only that, but what type, and again, Ed has said that he feels that it would have to be small businesses. Well, things start out that way, but if that whole building were to be used for something else, who knows what kind, I mean, it might not have to be a restaurant, but it could be another type of store that we wouldn't want to see there. So, number one, traffic, the priority is Kitts Lane, Brockett Street, you have a lot of kids on James Street, you have a lot of kids, this morning when I pulled out of my driveway there had to be fifteen or twenty kids on the corner of Brockett and Timothy waiting for the school bus, the middle school bus. That's a lot of kids, all you need is one car flying through that and hit someone. Thank you for your time.

Vice Chairman Cariseo: You're welcome. Anybody else?

Margaret Hess-Schmidt, 221 Brockett Street: You are going to hear some repetitiveness because a lot of us have similar concerns. We finally got a four way stop at the corner of Kitts Lane and Brockett Street, after multiple accidents, many which were fatalities, even a car drove through the house on the corner. It took years of complaints and perseverance, but we finally got it done. Now people walk these street, quiet streets for exercise, kids walk to school because we are still in walking distance of Ruth L. Chaffee Elementary School, not to mention the bus stops. There are no sidewalks, but they still are pretty safe at the moment, walking these streets. This current proposal will increase the traffic, it's definitely going to happen. I'm also very concerned about property values, if this parcel gets the okay to become a business, before we know it, someone will want parcel seventeen and put a business there too, it just keeps encroaching, encroaching on the residential area. They are asking us to allow this lovely hair salon to move into the neighborhood, but if the parcel in question gets the okay to become a commercial property, what prevents the hair salon from closing, and rent to sell it to another business, whoever meets their price. Once it's commercial, you are never going to go back again. I sincerely feel that this is just the beginning, businesses moving into the neighborhood that will cascade into major loss of property values for us who own homes in that area.

Vice Chairman Cariseo: Thank you. Anybody else?

Deloras Ticcio, 2391-2393 Berlin Turnpike: The property on the corner, the property has always been commercial, it was a grocery store at the beginning, a package store, now barber shop and a hair salon and it's always been commercial. It's not something new. We were approached, we're not going to give it away and that was about what was offered.

Vice Chairman Cariseo: Thank you. Anyone else?

Isabelle Karackowicz, 234 Brockett Street: I've lived there over thirty years, now did any of you gentlemen in here go on the Berlin Turnpike on a Saturday night and take Brockett Street? Well you should. We have races, going down Brockett Street from the Berlin Turnpike. They don't stop at the stop sign, and it continues, especially on a Saturday night. I have great grandchildren, grandchildren, my neighbors have children, they can not be outside on a Friday and Saturday night. On Sunday, it's good, but Saturday and Friday, forget it. The neighbors have a lot of children, we have a new family in there, on the corner that has four children. What are they supposed to do with them? They are out in the streets playing. The parents can't watch them

twenty-four hours a day. We should not have anything else done to Brockett Street than what is there now. That section should not be changed. Let it be. Not commercial, but real estate. They could build a home there too, someone will buy it if it's a good home, and it's not that expensive. People need good cheap homes, build two homes there, build three, you don't need anything else commercial around that area. Put your children in our position, and see how you would like it. I don't like it, it wasn't like that when I moved in, but it is like that now, and I don't like my great grandchildren running around in their own yard and wondering if a car is going to go on my lawn and kill them. So be good to us people who have been paying your taxes. Thank you.

Cecil Jamialkowski, 217 Brockett Street: I oppose this immensely because I was very upset when I heard about this. It's a residential area, and that is what it should be. I don't really have too much else to say except I'm very upset about this, and I want it to stay residential. Thank you.

Vice Chairman Cariseo: Anybody else?

Julie Kurwack, 271 East Robbins Avenue: I've only lived there, almost three years, but since I have been there, McDonalds has expanded, they made it bigger, my whole backyard is lit up constantly during the night, Puerto Vallarta is right in my backyard, granted I bought the house knowing that, and I just think that you know, if they are going to build another property right over there, it's just like a little too much, businesses all over the place. I do have a sewer easement in my backyard and I don't know if that actually goes into that section. As it is right now, if it rains a lot, or snows a lot it backs up. So, like I said I don't think that we need this. The traffic is bad, on Friday nights and Saturday nights, they are at Wendy's, they're at McDonalds, speeding around and I think that property is just too big. They can build a house on it, and that would be fine. I don't think you need another business right there. It's residential and the business just keeps encroaching upon everything. I feel that you don't need another business right there, and speaking too, as far as traffic, it is bad. My son takes the bus, he has to go on Kitts Lane. There is no sidewalk, and I think that is not a good thing either. That's all I have to say.

Vice Chairman Cariseo: Thank you. Anybody else?

Alberto Wichacharo: My girlfriend owns 26 Kitts Lane, 26 Kitts Lane is, when you walk out of the garage, it's going to be on the back of this building. My biggest concern, and her concern, I'm speaking on her behalf, is the buffer. I don't want to walk out and see a big dumpster in the back, usually they put them in the back of the buildings, whatever. We already have problems with the Mexican restaurant, there was no fence there, finally they put a fence up, which they nailed against all of the trees. They didn't put in a post, so I don't want the same thing to happen. Her property abuts up to the blighted property, I don't know the exact address, I didn't get a chance to come down to the town and take a look. I talked to these guys and we're talking I think a 7,000 square foot building that is going to go in there. That's all I have to say until I look into it a little further. Thanks.

Vice Chairman Cariseo: Anyone else?

Jeff Selleck, 55 Welles Drive North: I don't live in the area, I just showed up tonight to kind of observe the TPZ proceedings, and I kind of sympathize with the residents of that area. I like them, are also an R-12 property owner, I'm in a R-12 zone area. I'm kind of studying this map here, and if that property is zoned as a B-BT, I'm not seeing any other residence on that section of Brockett Street, with driveways going out onto Brockett. So I'm wondering if there is a possibility for folks in the neighborhood, that as a compensating, or mitigating measure you could

possibly block off Brockett Street, and no longer have access to the Berlin Turnpike. I've heard some safety issues here, so I would like the TPZ to maybe consider mitigating measures.

Vice Chairman Cariseo: Thank you. Anyone else? Rebuttal by the applicant?

Alan Bongiovanni: Thank you Mr. Chairman. Just a couple of things, I think most people talk about, most people spoke about a traffic issue, existing conditions, problems, deaths in the past, lack of sidewalks for the numerous kids in the neighborhood, all legitimate concerns. My office was on Kitts Lane, at 75 Kitts Lane for over fifteen years, prior to the installation of that light, there were numerous accidents, almost on a weekly basis. I think for the most part, accidents at that intersection have improved since the traffic measures were installed by the town, but a lot of what the public is voicing tonight I think is related to policing of the speed limits, improvements that may be required on other properties and other sections of the roadway, installation of sidewalks to accommodate students walking to and from the schools, they are not part of our problem. That is not something that we are going toacerbate. This is a small piece of property, relatively speaking when you talk about commercial development along the Berlin Turnpike as the Planner stated. Given the buffers and the setbacks that are required for this property, that the use cannot be that intensive, and we believe that given the parameters to deal with in the regulations and the setbacks that are imposed on this property, if the zone change was granted, that this will not and cannot be considered a major traffic generator. Most likely, given the uses that were stated by the Planner, as permitted in the regulations, this would be a day time business establishment, most likely, where you have regular business hours, not so much night, weekend hours, where Friday nights and Saturday nights are hazardous situations in this neighborhood because of the speeding traffic from the Berlin Turnpike.

For those comments that this should be left residential, I think we have put forth a good argument, good reasoning, good sound planning advice and reasons that this should be a B-BT Zone. Fears of allowing this to happen, all the residential could go out of control, spiral out of control and all be changed, this is the body that regulates it. This is the body that makes the policy decisions where zone changes are appropriate. We've presented facts tonight, and opinions that we believe that this is the appropriate zone for this piece of property.

One of the last speakers talked about concern for the buffer. The Town of Newington, and I do work throughout the State of Connecticut, has one of the better buffer regulations, they require a minimum of twenty-five foot buffer with a double row of evergreen trees, planted along the residential properties which is proven in time over the years, to be a very adequate buffer. That is something that would be looked at through the site plan process.

The last comment from the gentleman from Welles Drive North, blocking off Brockett Street, that again is something beyond our control and would be a policy decision through the traffic authority, probably the Town Council, the State Traffic Commission and this body. If that is something that the town wishes to pursue, well, so be it, that is something that we can't control. Thank you.

Vice Chairman Cariseo: Rebuttal by the opposition?

Jack Bolles, 1692 Main Street: Mr. Chairman, Commission members, good evening. You don't have to live in that area to sympathize with the residents. This is nothing more than an attempt to spot zone and once we spot zone, we're setting a bad precedent. I would hope that you wouldn't allow this to happen. Thank you.

Linda Thompson, 226 Brockett Street: My one question is, when that property was purchased, it was purchased as residential, granted it was a blighted property, and the other property had burned down, or whatever happened, but it was purchased as residential. If I went out today and I bought a piece of residential property, I wouldn't expect tomorrow that I could turn it around. I wouldn't expect someone tomorrow to come in and say, gee you put a nice addition on your house, which I did do recently, but I wouldn't expect them to say, okay fine, now we can open up

a shop because you have enough square feet. They bought it as residential, let's keep it that way. Thank you.

Margaret Hess-Schmidt, 221 Brockett Street: Yes, I understand that this business that they are talking about now is only open during the day, and they don't think that there will be much added traffic during the evening, I understand that, but that's right now, right now they are talking about a hair salon. Again, once it's re-zoned they can make something else down the line. They can sell that, especially because I really believe that they would like to also purchase the lady on the corner, any property that she is willing to give up, that little easement, or that thirty feet that you talked about, I think she is probably hoping for a little more money, and she'll sell that too, and then they can get this big piece of property on the corner and make something even larger. Right now from Brockett Street, from our house, we really can't see the Berlin Turnpike, it's not close enough to see the businesses yet, but once all these trees are knocked down, and they make this into a commercial, we will see the businesses and it will be encroaching upon our lovely little neighborhood and it will become a business area and that is what we are afraid of, that they are just going to keep moving it. Thank you.

Vice Chairman Cariseo: You're welcome. Anyone else?

Audience: We're all against it.

Vice Chairman Cariseo: Shall we close the petition? All in favor? Petition closed.

D. PETITION 05-07 42 Maple Hill Avenue, Antonio Pinho and Jose Pinho owners and applicants represented by Antonio Pinho, 52 Wolf Pit Road, Farmington, CT 06032 request for Special Exception Section 6.7 Interior Lot, R-12 District.

John Cyr: I'm representing Antonio and Jose Pinho. I work for (inaudible) and Cedar Land Surveying, I'm not a licensed land surveyor, but I did the field work and the office work on this property, so I know it pretty well. Basically he wants to split his property in half, he plans to sell this, and build this house and then sell it. He doesn't plan to live here in this house. He has met the requirements of the interior lot, by providing the correct size of the lot, and the correct entrance size to the lot, being twenty feet, because it is less than two hundred, and we went up to about 195 feet because we did want to leave a rear yard, some place for the people who buy the home so that they can have a backyard as well. The placement of the house is such that it can swale water away to the back yard, there's about 390 feet there to disseminate the water, or dissipate the water back there. There are existing utilities on the property, available to the property that will be piped to the back of the house there and there is about a five percent pitch to the roadway, so that seems to be pretty adequate. I guess a good thing, in listening to the comments about the other Maple Hill Avenue site tonight that Mr. Bachand had some questions. It's my understand that he was going to develop it, the lot, with Donna DiMauro instead of Holly Kobayashi, so he was looking to develop his lot, and the same thing could happen with these two, that you would have plenty of houses being able to be put in there and so what we are doing here, is we would be providing the fact that there would be no subdivision going into the back there, and none of these people would have to face the fact of having a house right in their back yard as well. I'd be glad to field any questions.

Vice Chairman Cariseo: Hear from the Town Planner?

Ed Meehan: This property, as the applicant has explained and as the Commission members know is one of the typical very long deep Maple Hill parcels, there's probably seven or eight of them on this easterly side of Maple Hill. This house has quite a presence on the street because

of its size, and it's an older house, very nice brick home. My concerns that I wish the Commission would take into account, and if you haven't gone by the site, maybe keep the hearing open and investigate for yourself, is the placement of the proposed driveway to access this interior lot. It's on the southerly side of the property, it would have to be butted right up to the property line because of the distance between the house and the southerly property line. It will require grading in there which would cut probably two to three feet, maybe four feet of the front yard out just to grade it back in, and because it is right up against the property line I think the applicant should provide a profile of that and explain how he is going to maintain the side slopes. In speaking with the Town Engineer, at least along the southerly side where you have a ten foot driveway and a five foot setback from the common property line, so we can see the grading as it goes out towards the street, it probably would have to be shored up with some sort of a knee wall or a low retaining wall. On the northerly side, you could grade the slope back to maybe a three to one, and maybe a more gentle slope where you could just maintain it with a lawn and stabilize it that way. Also, in that area there are common trees along the property line that might be lost or certainly compromised by this grading and the construction of the utilities as well as at least one or two substantial trees in the front yard. That having been said, the geometry of this layout, twenty foot access out to Maple Hill and the interior lot out in back, meets the dimensional requirements of your regulations. I think a better layout would have been to even have more space between the front house and the proposed new house in back, but that would have required a longer, I'll call it a stem, to get back there. Anything over 200 feet would have required this applicant to provide a twenty-five foot wide access way, which they cannot provide because there is only like thirty-four, thirty-nine feet to the property line, so they would not have been able to meet a ten yard side yard and a twenty-five foot access for the road. So, I think there are issues with the driveway grade, there's issues with the, aesthetic issues with the property and then there should be some sort of notation on this Lot B, proposed Lot B, that there be no future subdivision of this area. What's remaining here is a piece that is over an acre, almost an acre and a half I think would remain back there. So, yeah, it's one lot, it's, if the Commission remembers, we did a conceptual plan of this area in relationship to a prior application southerly of here, and this is some of the, I'll call it left over land. You could get probably nine or ten lots back there, if all the property owners got together and tried to put a public street back there. So it's something that I think the Commission has to look at from the geometry of it, as well as the impact on the neighborhood. I believe the property to the north, if not to the north, the next lot over already has an interior lot. Maybe the applicant knows that, if you go further north up Maple Hill?

John Cyr: No, I don't know if they do.

Ed Meehan: I know as you go closer to the corner

Commissioner Ganley: Isn't that next to the church?

Ed Meehan: No, this is north of the church. I'm thinking Carbone used to have a house back in there.

Commissioner Fox: Yeah, that's the old barn.

Ed Meehan: Yeah, which is on an interior lot. So, again, I'm just bringing that out to your attention. But the critical thing I think is how they are going to construct this driveway, not damage the property, trees on the neighboring property, and maintain the stability of the side slope in there.

Commissioner Schatz: In regards to the driveway, it's ten feet wide, from what I understand, you've got five foot off the property line to the corner of that driveway, if I'm reading this right.

Ed Meehan: That's correct.

Commissioner Schatz: Okay, when you plow that, I've had experience with this, when you plow that, you will plow the snow right over, and the rocks, right over onto your neighbors property, because this just happened on Maple Hill Avenue. If it was all paved, you wouldn't get the rocks pushed around as much, and then what happens is that a ten foot road turns into a twelve foot road. What is that stockpile back there?

Ed Meehan: That would be, as they grub the site back there, and grade it off, temporary stockpile for soil left over, excavation from the foundation. I believe they are proposing a ten foot paved driveway.

Commissioner Schatz: Only in the front, right?

Ed Meehan: Yeah, I see a note, that's a good question. What is the extent of that. Is that all the way back to that proposed house?

John Cyr: Yes.

Ed Meehan: The full length?

John Cyr: Yes.

Commissioner Schatz: Thank you.

Commissioner Ganley: Looking at this, the house seems to sit right at the top of the highest point on the property, at 138 in height. See the two lines. It says Mary F. Turner and on both sides it says 138, since the house itself is going to represent a footprint on the top of that hill, where the drainage has to then go out to Maple Hill Avenue because we can't let it go back down toward, it would be Vincent Drive again.

Ed Meehan: It drops two feet going easterly.

Commissioner Ganley: But drops none the less toward Vincent Drive. So they would have to make sure that everything that comes off the house gets out and by the way, has to get out that driveway again.

Ed Meehan: There is a note that says swale to drain towards the driveway.

Commissioner Ganley: Yes, a swale. So, it needs a little work.

Ed Meehan: It goes in both directions. The northerly site is going east, along Turner's property and then across the front they have another, I mean, this is for the applicant to explain, not me, why it's going in two different directions, I don't know.

Vice Chairman Cariseo: Any other questions? Anyone wishing to speak in favor of this application? Anyone against?

John Bachand, 56 Maple Hill Avenue: Not necessarily for or against again, I'm sandwiched in between these two projects so....Ed addressed most of the issues, especially the cut of the driveway, I'm concerned about the trees, but the big concern is, I don't know where you got my name involved with a business transaction with my neighbor that was, never happened, never discussed, so I'm a little bit concerned about that, how that is floating around. You know, I have

three kids, I would prefer that it stayed undeveloped, that's why I bought a two and a half acre yard six hundred feet deep. I know that people have the right to develop their property, so I want to make sure that it is done properly, so my big concern is that driveway. Most of the trees are on my side, but there is one tree that is shared, I might own the majority of it, it's a beautiful mature maple tree right out by the front, where the deepest amount of cutting will be done. So, again, Ed pretty much addressed all of the issues, but I was concerned about how you came up with this business transaction, or this deal. There were definitely no deals done, and never was planned. Thank you.

Vice Chairman Cariseo: Anyone else?

Marcel (inaudible), 33 Vincent Drive: If I correctly heard him, he said some of this is going to sway back towards Vincent Drive, some of the dirt, want to play it back, he was going to pitch some of this back. We have an issue on Vincent Drive with water, this property has water on this property. There's puddles of water on this property. It's good that you are building it high. I live on Vincent Drive, this is close to my backyard, and when my son was playing around, this was all wet in here. That's just my statement. If he's going to build I just want to make sure that I'm not getting water back in my basement, or on my property. I mean, right now it's frozen but there is water there. It does dry in the summer when it gets hot, but other than that, it's wet. Thank you.

Vice Chairman Cariseo: You're welcome. Anyone else?

John Bachand 56 Maple Hill Avenue: I just have one more thing to add. Ed had mentioned a retaining wall, I think that would be the minimum that would be required, but I would like to see something in the deed that says that it has to be maintained, not just some piece of wood timbers that you see people go and put up these pressure treated wood that hold back the soil for a while. I'd like to see something where it is perpetually maintained like the town. You can see how high the one is on Maple Hill, it's that high, it's the same grade. I mean, so it's a substantial wall holding back a substantial amount of soil or earth.

Vice Chairman Cariseo: Anyone else? Rebuttal by the applicant?

John Cyr: Okay. As far as the Commission's advice about a retaining wall, that should be no problem to revise the map and put in a retaining wall. It is a full bituminous driveway, and the water does swale away from Maple Hill Avenue to avoid making a pool in the backyard of the existing house, and it does go, disseminate in the backyard about three hundred and something feet to disseminate and not actually have ground water running in any way. As far as the neighbors lot, in doing this survey, I was talking with someone two houses down, who wanted to leave some space open so that she could approach Mr. Bachand. I don't know if she had talked to him about it, but it was my understanding that she had talked to him about it. That would be about it.

Vice Chairman Cariseo: I think some more work has to be done to get this into shape.

John Cyr: It was also my understanding that this was just a lot split map and then a formal plot plan would have to be submitted for the Town.

Ed Meehan: No, at this level, this is a Special Exception where the Commission, based on it's regulations which set forth the geometry of an interior lot, and talks about the history of subdivision activity in this area, the uniqueness to the plotting of lots here, and the compatibility of the surrounding area, are things that the applicant needs to put into the record so that when the Commission discusses this, there's reasons to either approve or deny this special exception. It's not an automatic, by right, that you get this interior lot, or your client is going to get this lot. The

comments that I made about the driveway retaining wall I think you should present that in the way of a profile, of what that grade would look like, and some sort of a certainly durable, easily maintained split face block or natural stone wall in there to be something that is going to last a long time. So, I would recommend that the Commission keep this open until some of the questions are answered, and maybe some information provided to the Commission on the history of how this lot has ended up the way that it is. Maybe you know from living in town for a long time, but probably, as I said earlier in my comments, it's typical of what we see on the easterly side of Maple Hill, I think, almost down to East Robbins, or Robbins, excuse me. There has always been these long, deep lots. It doesn't mean, by right, that you get a second cut at it. You have to convince that it is appropriate.

John Cyr: Okay, and also I can speak with my client as far as declaring that interior lot a non-buildable lot as far as splitting it any further than it is. I'm sure that they would have no problem with that, but I wouldn't think they would have a problem with it, but I would like to ask them first.

Vice Chairman Cariseo: So you are all set, you know what you have to do. We will leave this petition open.

- III. **PUBLIC PARTICIPATION** relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

February 21, 2007 Rescheduled Regular Meeting

Postponed.

V. **COMMUNICATIONS AND REPORTS**

None.

VI. **NEW BUSINESS**

- A. **PETITION 75-06** Assessor's Map SE 307, 1987 and 2169, known as 119 Deming Street, Frank A. Accarpio and Thomas Accarpio owners, Deming Street Development, LLC, 312 Murphy Road, Hartford, CT 06114 represented by Attorney Timothy Sullivan, 9 High Road, Berlin, CT 06037 request for Site Plan approval Section 5.3 (23 detached residential units), PD Zone District. Inland Wetlands Report required. Continued from February 21, 2007.

Vice Chairman Cariseo: This has been postponed.

- B. **PETITION 78-06** 751 Russell Road and corner of East Cedar Street, known as Lowe Manufacturing, Cedar Mountain, LLC owner, Hunter Development Company, LLC, P.O. Box 366 East Longmeadow, MA 01028 applicant, represented by Attorney Michael A. Zizka, Murtha-Cullina, LLP, 125 Asylum Street, Hartford, CT 06103-3469, request for Site Plan approval Section 5.3 gas station use and convenience store, I Zone District. Inland Wetlands Agency Report required. Continued from February 21, 2007.

Ed Meehan: Commission members, I received a letter from the applicant's attorney about 6:40 tonight withdrawing that application. They are going to take that off the agenda, and they are going to resubmit in the future, a date yet to be determined. So it won't be carried as New Business, it's just gone. When they resubmit it, they start over, the clock begins again, as the Commission recommended at your last meeting.

Commissioner Kornichuk: I have to recuse myself from this next petition.

- C. PETITION 04-07 262 Brockett Street, John G. Formato, 798 Southington Road, Kensington, CT 06037 owner and applicant, represented by Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 request for Site Plan Approval Section 5.3 to construct a 7,275 sq. ft. business office building, B-BT District (requested.)**

Dante Boffi: Good evening, Commissioners. My name is Dante J. Boffi, of Danta J. Boffi design, that prepared the architecture for this project. The owner and Mr. Bongiovanni for personal reasons have asked that this be tabled until the next meeting.
Thank you.

Commissioner Kornichuk returned to the table.

VII. OLD BUSINESS

None

VIII. PETITIONS FOR SCHEDULING (TPZ March 14, 2007 and March 28, 2007)

- A. Petition 11-07 Market Square and Constance Leigh Drive, Municipal Parking Lot, Kiwanis Club of Newington, P.O. Box 510377, Newington CT 06111 applicant, attention Alexander Cohen, 42 Jeffrey Lane, Newington, CT 06111, Town of Newington, property owner request for Special Exception Section 3.2.8 Flea Market, 23 dates, April through September 2007, B-BT Zone District. Schedule for Public Hearing March 14, 2007.
- B. PETITION 07-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Certificate of Location, Dealer and Repairers License, CGS 14-54, Section 6.11.7, I Zone District. Schedule for Public Hearing March 14, 2007.
- C. PETITION 08-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Permit Section 6.11 Sale of Motor Vehicles, I Zone District. Schedule for Public Hearing March 14, 2007.
- D. PETITION 09-07 426 Hartford Avenue, Alex Kosovski, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Site Plan Modification, auto related use, I Zone District. Schedule for presentation March 14, 2007.

- E. PETITION 10-07 114 Richard Street, Frank Giangrave, 128 Richard Street, Newington, CT 06111 owner and applicant, request for Amendment of Special Exception, Interior Lot Section 6.7, R-20 Zone District. Schedule for Public Hearing March 14, 2007.
- F. PETITION 12-07 271 Vineyard Avenue, Mary Roy, owner and applicant, request for Special Exception Section 6.13 Accessory Apartment, R-12 Zone. Schedule for public hearing March 14, 2007.

Ed Meehan: First under scheduling, the Kiwanis annual request for their flea market. They will be prepared to go forward on March 14th. We have three companion applications for 426 Hartford Avenue which is a re-submission. They have brought in new site plan information, and an interior lot on Richard Street and a special exception requesting an accessory apartment on Vineyard, plus what you are carrying over from tonight, which would be, under Old Business you are going to have the Maple Hill subdivision, New Business, or public hearing you will continue with the age restricted housing on Deming Street, 262 Brockett Street, will be continued under New Business for the site plan, and 42 Maple Hill continue as a public hearing. Still a good size work load. That's it.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: Just one quick item. We continue to get correspondence from property owners in Rockledge and New Britain Avenue regarding the street trees. As I mentioned last time, we'll let this play out until the middle of March, and then see where we are. Right now there are no property owners that are taking up Mr. Snow, Premier Development's request to pay for the trees, so, I would think that you are going to be looking at calling the bond relative to the street trees, the end of March, then determining how you want to handle that money. It's a cash bond, and under the bond agreement, you have to notify him, and there is a thirty day call period, and if he responds that he has been unsuccessful in getting the property owners to agree to plant the trees, then after the thirty days expire, you have the right to call the bond.

Vice Chairman Cariseo: It's a pass book?

Ed Meehan: Pass book, yes.

Vice Chairman Cariseo: Because I was going to say, if you call the bond, it puts him in a jam with the insurance company.

Ed Meehan: We don't take insurance bonds. We only take letter of credit, pass books.

Vice Chairman Cariseo: Letter of credit, same difference, okay. So this is a book in his name....

Ed Meehan: Yeah, and we would do that with the Town Attorney's guidance.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk.

Margaret Hess-Schmidt: I have never done this before, so we are unclear on what happens now. The people with the proposal were, they had all these lovely drawings and model and everything and now suddenly, they left, so I wonder, if this has been continued, will we be notified when to come back, are we allowed to come back, do we have any more say in it? Are we notified when they come back again, or are they hoping that they will never see us again.

Ed Meehan: The public hearing was closed on the zone amendment, so there won't be any more public notices sent out first class mail, or in the newspaper, but it will appear on the agenda, the site plan will appear as New Business, so the next meeting, which is March 14th, the applicant, engineers and the architect will be here to present their site plan, the building, drainage, landscaping, lighting and so forth. That's not a public hearing, but it is a public meeting, and by that I mean, you won't be able to come up and critique and ask questions about the site plan, but you are certainly welcome to be part of the audience or between now and the next meeting, come in and look at the plans in my office, which is right next door. We can talk about it.

Margaret Hess-Schmidt: Does that mean that they have already been given permission to, is the zone going to be changed?

Ed Meehan: No, not at all. That hasn't been voted on yet. The Commission will, after they go through the site plan, then they will probably like March 28th, have on their agenda voting the request for the zone change up or down at that time.

Margaret Hess-Schmidt: But at this point the public has no more say in anything. We can come and hear about it, but that's all.

Ed Meehan: Right.

Audience: I have a question, how do I find out, I said that there is a sewer drain in my backyard, the easement, how do I know what is actually spilling into that. I kind of in back of the property.

Ed Meehan: You don't abut the property if you live on East Robbins, but you could check your deed and see what the easement is for. It's probably an MDC easement.

Audience: It is a sewer easement.

Ed Meehan: So a Metropolitan District easement, a sanitary sewer, it's waste water, not storm water, waste water.

Audience: Right, so it's waste water but how do I know, is that property going to go into that, does that go into that too?

Ed Meehan: It's probably a trunk sewer which is fairly large, so all of the properties in that neighborhood collect and drain into that system, and it flows, probably southerly, south down the turnpike. Not just this property, but multiple. The plans are available anytime at all in the office.

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Audience: Okay, thank you.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary